IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.25390 of 1997

Dated: February 14, 2007

Between:

Hanumanthu Venkata Rangamma, W/o. Venkateswara Rao,
aged 35 years, R/o. Laxminarasimhapuram, H/o. Ilaparru,
Mandavalli Taluk, Krishna District, and another.

… Petitioners

And

The District Collector, Krishna District,
At Machilipatnam, and others.

… Respondents

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 25390 OF 1997

ORDER:

In this Writ Petition, the petitioners seek Writ of Mandamus to

declare the action of the respondents in taking steps to dispossess them from their lands admeasuring Ac.4.35 cents in R.S.No.7/1,2,& 3, and, Ac.2.46 cents in R.S.No.8/2 siuated in Polukonda village, Nandivada Mandal, Krishna District as illegal and arbitrary.

The petitioners claim that they are landless poor persons and they are in possession of the aforesaid lands of the Government since 1990. It is their case that as much as the said lands are near to their residences, they have developed the lands and are cultivating the same. It is their grievance that the respondents are taking steps to evict them from the said lands without issuing prior notice and opportunity.

Respondents have filed counter affidavit stating that the land totally admeasuring Ac.19.11 cents covered by R.S.Nos. 7/1,2 &3, 8/2, 42/1,2 & 3, 41/1 & 2, 43/2, and 44/2&3 are dry lands of Polukonda village and D-form pattas were granted to some eligible persons. It is stated that as much as the original assignees have violated the conditions of patta and transferred the same to third parties, proceedings were initiated and orders were passed on 7-5-1987 by the Joint Collector, Krishna District. It is further submitted that though the said orders were questioned by filing appeals before the Special Commissioner of Land Revenue, Andhra Pradesh, but, the said appeals ended in dismissal on 24-1-1997.

It is stated that pursuant to the orders of eviction, the entire land admeasuring Ac.19.11 cents was resumed to the Government on 12-7-1997 and instructions were issued not to allow anybody to enter into the said land.

Though it is the case of the petitioners that they are in possession of the land in question since 1990, but they have not filed

any material to support their plea with regard to their possession. Though in the counter affidavit it is stated that the entire land admeasuring Ac.19.11 cents including the lands stated to have been in possession of the petitioners was resumed to the Government on 12-7-1997, but the petitioners have not rebutted the same by filing reply affidavit. Hence, the claim of the petitioners that they have been in possession of the land from 1990 continuously cannot be countenanced. In that view of the matter, the relief sought in this Writ Petition cannot be granted.

However, as it is stated that the petitioners are the land less poor persons, I dispose of the Writ Petition keeping open to them to file appropriate applications for grant of pattas. If such applications are filed, it is equally open to the respondents to consider the same, if they are otherwise eligible for grant of pattas.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 14-02-2007
MRR/Msnr